

1 **~~04 NCAC 16A .0409~~ — OBJECTION TO A SUBPOENA**

2 ~~(a) Form of Objection. Except as may be otherwise stated in a particular subpoena, a party or person receiving a~~
3 ~~subpoena from the Division may object thereto by filing a written objection to the subpoena with the Division at its~~
4 ~~mailing address. An objection to a subpoena must include a concise but complete statement of reasons why the subpoena~~
5 ~~should be revoked or modified. These reasons shall include any reason in law for holding the subpoena invalid.~~

6 ~~(b) Service of Objection. The objection shall be served upon the Commissioner of Banks and the party who requested~~
7 ~~the subpoena. Service shall be in accordance with the North Carolina Rules of Civil Procedure.~~

8 ~~(c) Response to Objection. The party requesting the subpoena shall file a written response to the objection. The~~
9 ~~response shall be served in like manner as the objection.~~

10 ~~(d) Hearing on Subpoena. After receipt of the objection and response thereto, the hearing officer shall issue a notice to~~
11 ~~the party who requested the subpoena and the party challenging the subpoena, and shall notify all other parties of a~~
12 ~~hearing, to be scheduled as soon as practicable, at which time evidence and testimony regarding the objection and~~
13 ~~response shall be presented.~~

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15 *History Note: Authority G.S. 53-93; 150B-38; 150B-39;*
16 *Eff. July 1, 1990;*
17 *Amended Eff. December 1, 2011.*